



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक ८३ ]

सोमवार, डिसेंबर ११, २०१७/अग्रहायण २०, शके १९३९

[ पृष्ठे ३, किंमत : रुपये २७.००

### असाधारण क्रमांक १५९

#### प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the Maharashtra Public Trusts (Third Amendment) Bill, 2017 (L.A. Bill No. LX of 2017), introduced in the Maharashtra Legislative Assembly on the 11<sup>th</sup> December 2017, is hereby published under the authority of the Governor.

By order and in the name of the  
Governor of Maharashtra,

RAJENDRA G. BHAGWAT,  
I/c. Secretary (Legislation) to Government,  
Law and Judiciary Department.

### L. A. BILL No. LX OF 2017.

#### A BILL

*further to amend the Maharashtra Public Trusts Act.*

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Public Trusts Act, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Public Trusts (Amendment) Ordinance, 2017, on the 10th October 2017 ;

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Public Trusts (Third Amendment) Act, 2017.

Short title and  
commencement.

(2) It shall be deemed to have come into force on the 10th October 2017.

भाग आठ-१५९—१.

(१)

एचबी-१६२२-१.

Amendment  
of section 36  
of XXIX of  
1950.

**2.** In section 36 of the Maharashtra Public Trusts Act (hereinafter referred to as “the principal Act”), in sub-section (5),— XXIX of 1950.

(a) for the words “transfer of the trust property by the trustees” the words, brackets and figures “transfer of the trust property, effected by the trustees prior to the date of commencement of the Maharashtra Public Trusts (Second Amendment) Act, 2017” shall be substituted; Mah. LV of 2017.

(b) the following Explanation shall be added, namely:—

“*Explanation.*—For the purposes of sub-section (5), the term “the Charity Commissioner” shall mean only the Charity Commissioner appointed under section 3.”.

Repeal of Mah.  
Ord. XXII of  
2017 and  
saving.

**3.** (1) The Maharashtra Public Trusts (Amendment) Ordinance, 2017, is hereby repealed. Mah. Ord. XXII of 2017.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.

## STATEMENT OF OBJECTS AND REASONS

Sub-section (5) of section 36 of the Maharashtra Public Trusts Act (XXIX of 1950), deals with the power of the Charity Commissioner to grant the *ex-post facto* sanction to the transfer of the trust property by the trustees only in the case mentioned therein. Sub-section (5) of the said section 36 has been added by the Maharashtra Public Trusts (Second Amendment) Act, 2017 (Mah. LV of 2017). In pursuance of the discussion of the L. A. Bill No. LIX of 2017 (regarding the said Maharashtra Act No. LV of 2017), during its passage in the State Legislature, it was considered expedient to provide that the power of the Charity Commissioner to grant *ex-post facto* sanction shall be circumscribed to the transactions of transfer of trust property effected prior to the date of commencement of the said sub-section (5). It was, therefore, considered expedient to amend the said sub-section (5), suitably.

For effective implementation of provisions of the said sub-section (5), it was also considered expedient to provide that such power of *ex-post facto* sanction shall be exercised only by the Charity Commissioner appointed under section 3 of the said Act.

2. As both Houses of the State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Public Trusts Act (XXIX of 1950), for the purpose aforesaid, the Maharashtra Public Trusts (Amendment) Ordinance, 2017 (Mah. Ord. XXII of 2017), was promulgated by the Governor of Maharashtra on the 10th October 2017.

3. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,

Dated the 18th November, 2017.

DEVENDRA FADNAVIS,

Chief Minister.